



AMERICAN ASSOCIATION
of ADVERTISING AGENCIES

Washington Office

October 14, 2009

Senator Lawrence Bliss
Chair, Joint Judiciary Committee
Maine Legislature

Dear Sen. Bliss (on behalf of all members of the Joint Judiciary Committee):

Representative Meredith Strang Burgess (R-District 108), one of our most prominent members and ad agency CEO's, is unable to attend the Judiciary Committee hearing on PL 2009, Chapter 230 concerning predatory marketing practices against minors. She has asked me to share some of the advertising agency industry's concerns about the law as it was enacted.

Like all other consumers and responsible business leaders, the ad agency industry shares the original goals of the sponsors of this law which was initially designed to protect sensitive medical information about minors in the ever-changing new online environment. However, we believe that Chapter 230 has vastly exceeded that intent.

There are many fundamental legal issues at stake in the implementation of this law and they have been discussed at length by other legal scholars and authorities. We certainly agree that the law would violate the First Amendment and impose excessive burdens on business transactions.

Reflecting the needs and concerns of our clients and the consumers who are now deprived of important marketing information, you should be aware of the unintended consequences of the law as it currently stands. Our clients, the colleges and universities in Maine, the military recruiters, the financial institutions, among others would not be able to communicate with minors in the state of Maine, nor provide them with important information about such choices as where to go to college, possible military service, types of bank accounts open to them.

We believe that all consumers should be able to make informed decisions and we think that the leaders of the state would agree. **As such, we urge the Legislature to repeal Chapter 230, replacing it with a workable, responsible and helpful set of guidelines that not only protect minors in the state but provide them with the consumer education and choices they need.**

Sincerely,

Linda M Dove
Senior Vice President